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Attorney Docket No.: 7800.3564

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
: Examiner: Donna A. Jagoe
ROBERT ERIC MONTGOMERY)
: Group Art Unit: 1614
Appln. No.: 10/039.935)
: Filed: November 1, 2001)
: For: TOOTH BLEACHING)
COMPOSITIONS : Date: November 2, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

Sir:

BriteSmile Development, Inc., the owner of the entire right, title, and interest in and to the above-identified application, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the present application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156, as shortened by any terminal disclaimer, of U.S. Patent No. 6,322,773 and U.S. Patent No. 6,536,628.

BriteSmile Development, Inc., hereby agrees that any patent so granted on the present application shall be enforceable only for and during such period that it and U.S. Patent No. 6,322,773 and U.S. Patent No. 6,536,628 are commonly owned. This agreement runs with any patent granted on the present application and is binding upon the grantee, and its successors or assigns.

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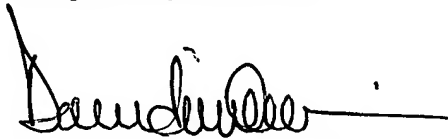
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In making the above disclaimer, **BriteSmile Development, Inc.**, does not disclaim the terminal part of any patent granted on the present application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 of U.S. Patent No. 6,322,773 and U.S. Patent No. 6,536,628, as shortened by any terminal disclaimer filed prior to grant thereof, in the event that any said patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to the grant thereof.

All correspondence should be sent to the attorney named below at the address shown.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David M. Quinlan", with a horizontal line extending to the right.

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